



# Legal capacities of the European Union's 2020 Green Deal and its resulting documents to combat climate change in light of the international legal system

Hajar Akbari<sup>1</sup>, Malek Zolghadr<sup>2\*</sup>, Seyed Farshid Jafari Pabandi<sup>3</sup>

<sup>1</sup>. PhD Student, Department of International Law, Zanjan Branch, Islamic Azad University, Zanjan, Iran.

<sup>2</sup>. Assistant Professor, Department of International Relations, Zanjan Branch, Islamic Azad University, Zanjan, Iran (Corresponding Author).

Email: malekzolghadr8@gmail.com

<sup>3</sup>. Assistant Professor, Department of International Relations, Zanjan Branch, Islamic Azad University, Zanjan, Iran.

Corresponding Author: Malek Zolghadr

## Abstract

In recent decades, climate change has become a major concern worldwide, and Iran is also seriously involved in climate change. The importance of the issue has led to serious efforts to manage this issue and discussions under the titles of green transition, energy transition, or sustainable transition have been raised as an inevitable necessity worldwide. The European Green Deal (2019), with an emphasis on the transition debate, provides a comprehensive framework for the Union's macro-policies in the field of environment and energy transition "in a fair manner and without leaving anyone behind" and contains a set of related measures, programs, and laws that accelerate the transition needed in all sectors.

The present descriptive-comparative study analyzes the legal capacities of the European Green Deal and its potential to be modeled in the Iranian legal system. Focusing on what legal capacities the Green Pact has and whether, from a policy and legislative perspective, there is a need for Iran to follow exactly the same path as the Green Pact with the same speed and requirements as the European Union? The research assumes that the Green Pact has been successful in realizing various aspects of the right to the environment by providing diverse legal solutions, supportive solutions for the commitment to renewable energy, and negative and positive environmental regulations; and it does not seem that the objective and precise implementation and follow-up of the Pact with the same speed and requirements as the European Union is necessary in Iran, and is not even fundamentally possible. The results showed that the Green Pact has been successful in combating climate change, and its structural and institutional existence makes it a model and example for other countries in the world in creating environmental policies and laws. There are also currently many opportunities to move towards decarbonization in Iran's legal system, but nevertheless, the approach that the European Union has adopted in the Green Deal, namely a macro-policy that clarifies the approaches, requirements, and necessities of addressing an issue and sets specific goals for them, and then approves laws that may be scattered but unified and coherent to achieve a specific goal, is completely absent in Iran. Therefore, the green transition and determining Iran's place in this cycle requires a comprehensive plan that will guide all subsequent actions.

**Keywords:** European Union, Green Deal 2020, Climate Change, Legal Capacities, International Law System, Iran.

**Received:** 15 October 2023

**Revised:** 18 December 2023

**Accepted:** 25 December 2023

## Introduction

It is an undeniable fact that the environment is facing a crisis in most parts of the world today. The environmental crisis, especially in the areas of climate change, ozone layer depletion, poverty and environmental injustice, biodiversity loss, energy crisis, and unsustainable development, presents a dangerous prospect for the international community. On the other hand, environmental issues and problems have created important social, economic, and political consequences for governments, and therefore, in recent decades, environmental protection has become one of the foundations of national security. This evidence clearly points to the climate crisis over the past half century, which is mainly caused by destructive human activities, the release of various pollutants into the environment, excessive exploitation of natural and environmental resources, infrastructure issues, failure to calculate the real value of natural resources and the costs of environmental destruction in macroeconomic policies, and ultimately the weakness of environmental policies and regulations. Accordingly, today, instead of using the term "climate change", "climate crisis" is used to refer to the dangerous situation that has arisen in order to attract more attention.

A study of climate change shows that the greatest damage and negative environmental impacts are being suffered by developing countries, including Iran, which is facing serious challenges in various environmental areas, including the desertification crisis, air pollution caused by fossil fuels and fine dust, the depletion of surface and underground water resources, the destruction of ecosystems, and the consequent changes in plant, animal, and human habitats. In such a way that over the past 50 years, our country has faced either long periods of drought or floods, and in general, continuous climate changes. However, efforts to save the environment continue with seriousness by various individuals, including natural and legal entities, governments, institutions, and organizations. Environmental activists and lovers have determined to save the earth from the crisis and climate change. International environmental law is also trying to consolidate and provide specific international obligations in this field for governments. Part of the result of these efforts, apart from the fundamental developments in the industrial and economic fields and their greening; the formation of various principles of international environmental law, changes in environmental policies and laws, and stricter regulations in this field. Therefore, currently, for several reasons, including climate change, the world is experiencing a new transition again. We are transitioning from fossil fuels to clean and renewable energies such as hydro, wind, and solar energy.

In the meantime, one of the prominent pioneers in the fight against climate change and the formulation and approval of various environmental regulations and policies is the European Union (EU). This union has been in constant crisis for more than a decade. At the end of the last decade, it recognised the need to strengthen its climate policy to tackle the climate crisis. In December 2019, European Commission (EC) President Ursula von der Leyen announced the European Green Deal (EGD) as the EU's new top priority. The deal is a roadmap that aims to strengthen the EU's drive towards a climate-neutral economy by reducing carbon emissions by 55% by 2030 and net-zero by 2050, decoupling economic growth from resource exploitation and ensuring that no one, anywhere, is left behind. The challenge now is how to translate an ambitious climate agenda into effective legal and economic instruments "in a fair way and without leaving anyone behind."

In addition, the integrity of the ecosystem makes geographical borders have the least impact on limiting environmental impacts. This requires that effective combat against climate change requires integrated, universal and comprehensive measures. Accordingly, managing the deteriorating situation in Iran also requires familiarization with plans adopted in other parts of the world, identifying their dimensions and capabilities, and assessing the feasibility of their implementation in the country. Therefore, examining the European Green Plan as a serious example of combating climate change is important and urgent in many ways. For example, this plan was formed within the context of an international organization that, considering itself responsible as a global leader in combating climate change, is trying to provide a model for countries outside the European Union around the world, and on the other hand, it has formulated its own regulations, especially the Green Pact, with the aim of globalization.

This dissertation, focusing on the Green Pact and its resulting documents in a broad perspective, examines the legal capacities of the aforementioned pact in order to achieve a model for combating climate change in Iran, in the light of the international legal system. The argument of the study is that the Green Pact is a great opportunity for Iran to follow suit in the field of combating climate change, because the European Union, as its ratifier, has always been known as a successful legal system in the field of the environment and also in promoting the use of renewable energies worldwide. In the Green Pact, as the most up-to-date legal-political document of this union in relation to environmental protection, one can see a significant set of laws and regulations, which it is hoped can serve as a model for Iranian legislators and policymakers in the field of promoting and using renewable energies, reducing and ultimately eliminating carbon, and in short, moving towards sustainable development, so that no one is left behind. But to make this model a success, it is necessary to focus strongly on the concepts related to the country's legal frameworks and environmental policies, especially the concepts of solidarity, sustainable development, and a high level of environmental protection.

## **Theoretical Approach**

### **European Green Deal (2020)**

There are various but similar definitions of the European Green Deal. For example, it is a set of policy initiatives by the European Commission with the overall goal of neutralizing Europe's climate change by 2050. The plan would make Europe the first climate-neutral continent (Axmoltis and Storm, 2020; Varoufakis and Adler, 2020; Gabor, 2020; Sulki, 2020). The European Commission's Climate Change Strategy, launched in 2020, promises to make Europe a net-zero greenhouse gas region by 2050 and to demonstrate that economies can grow without increasing resource use (European Commission, 2019). It is also said to be a set of policy and legal measures by the European Commission with the ultimate goal of restoring Europe's environment by 2050, with the possibility of extension.

The pact is a fundamental objective to achieve the EU's 2030 target of reducing greenhouse gas emissions by at least 30% and at most 50% compared to 1990 levels (European Commission, 2018: 773). It includes the prior screening of all legislation before it is adopted, from an environmental perspective and for compliance with environmental issues, as well as the introduction and adoption of new legislation on the blue economy, green industry, sustainable technology and biodiversity (ibid., 2019: final 640) and, ultimately, seeks to reform existing legislation. To achieve this goal, the President of the European Commission, Ursula von der Leyen, appointed Frans Timmermans as Special Representative of the European Commission for the Delivery of the Green Deal (European Commission, 2022). Specific initiatives of the pact include the (newly adopted) European Climate Law, the Carbon Border Tax, the Building Renovation Wave, the Farm to Fork Strategy, the Biodiversity Strategy, the Forest Strategy, the Just Transition Mechanism and the European Climate Pact. In July 2021, the Commission presented its legislative package entitled "Fit for 55", which refers to the target of reducing emissions by at least 55% by 2030, a medium-term objective on the way to achieving climate neutrality by 2050 (Widuto, 2021: 2).

### **Climate (Weather)**

Climate or weather refers to the average atmospheric conditions of land or water with respect to seasonal and temporal conditions. Weather is usually determined by a set of surface and atmospheric changes such as temperature, precipitation, wind speed, humidity, cloudiness, soil moisture, sea surface temperature, and the density and thickness of ice layers in sea water, etc. The set of these conditions in the long term, along with other measurements such as minimum daily temperatures, length of the growing season, or intensity of floods, determines the climate of the region. Although climate and climate change are usually discussed at the global level, regional or local temperature averages may be very far from this global average, which will lead to a reduction or intensification of the consequences of climate change in different parts of the world. Factors such as the climate effect balance, climate sensitivity, and adaptation to climate change are effective in determining climate conditions and. Climate change (National Academy of Sciences, Washington, DC, 2055, United States, 2001)

## **Climate change**

According to the World Meteorological Organization, climate change is the directional change in the average climate parameters over a long period; and it has been created to define the area in which we live for at least the coming decades (Scott, 2022: 69). This concept refers to the directional increase or decrease in the average climate parameters over a long period. The change in surface climate parameters is related to the change in weather patterns (Dostan and Alijani, 2015: 89). In Article 1 of the 1992 Framework Convention on Climate Change, it is defined as: "A change in climate that is directly or indirectly attributable to human activity and that alters the composition of the global atmosphere and affects natural climate variability over appreciable periods of time." Therefore, this definition only considers that part of climate change that is caused by human activities. These changes can occur directly or indirectly through human activities. The climate changes in question are other than those that occur as a result of natural environmental variability over a specific period of time. The final phrase of this definition, by stating that this definition "in addition to natural climate change over calculable time periods, actually seeks to distinguish between two aspects of climate change, namely climate change caused by human action and natural climate change, which is caused by the nature of nature. The definition emphasizes that what the Convention is concerned with are changes beyond these natural changes that are attributed to human activities. While the definition has defined some boundaries, it also has some ambiguities. It can be said that the Convention has not actually provided a definition of climate change, but rather has defined the boundaries of climate change covered by climate change outside the subject matter jurisdiction of the Convention. Therefore, this definition does not resolve the ambiguity of identifying what exactly is considered climate change. Despite this ambiguity, the 2015 Paris Agreement does not provide any definition of climate change.

## **Environment**

There are also various lexical, terminological and legal definitions of the environment. Including:

### **a) Environment in the dictionary**

In the dictionary, this concept is a combination of the two words "environment" and "life" and is derived from the French word "environment" meaning the surrounding environment of a person (Hayim, 1380, vol. 1: 252) or surrounding (Arianpour, 1366, vol. 1: 332). According to philologists, "enclosure" is used in two ways: one about objects, such as "I surrounded such and such a thing"; the other about preserving (Ragheb Isfahani, 1412: 265). Other dictionary books have also mentioned the word "enclosure" in this meaning (Tarihi, 1375, vol. 4: 243; Johari, 1407, vol. 3: 1121; Qorashi, 1371, vol. 2: 196). For this reason, "wall" is called "wall" because it encloses a specific place (Hosseini Zubaidi, 1404, vol. 10: 225; Farahidi, 1410, vol. 3: 277; Ibn Manzur, 1371, vol. 2: 196). "Environment" is also an Arabic word from the root "hut" and has two meanings: one is "enclosing" and the other is "ocean" (Maaloof, 1987: under the word). In another meaning, environment is everything that surrounds a person (Hojati, 1380: p. 107). "Life" is also a Persian word that means life, existence, and living (Mo'in, 1371, p. 2: 1717); therefore, "environment" is used in the sense of a place of residence, dwelling, and also what encompasses life. In other words, it means the environment of life and life and what encompasses life and life on Earth (Bahrami Ahmadi, 2009: 93). With these conditions, the word environment means what surrounds, including all external conditions and physical, chemical, biological and social factors that can affect living beings and human activity. The word life means what a person needs to survive and is also used in various other meanings, including the meaning of "being and having existence" (Moin, Pishin, Vol. 3: 36 and 25).

## **Components related to environmental justice**

Justice is one of the fundamental and fundamental concepts of the European Union Green Deal, which is mainly clarified and repeatedly emphasized in the phrase "a just and fair transition so that no one is left behind." Therefore, one of the key terms that needs to be defined is environmental justice.

## **The right to a healthy environment**

The right to a healthy environment is one of the most fundamental and important rights of humans and all creatures and is an emerging right in the international human rights system, the importance of which has been increasingly recognized in recent years. This right is directly related to other fundamental human rights such as the right to life, health, and sustainable development. However, problems such as climate change, air pollution, and the destruction of natural resources have presented serious challenges to the realization of this right. In fact, the right to equitable enjoyment of a healthy environment is a prerequisite for other human rights because it is assumed that they enjoy the right to health and well-being. This is while the improper interaction of humans with the environment over the past centuries has disrupted the ecological balance. In such a way that in addition to its destructive effects on nature, justice in the exploitation of resources in the environment has also disappeared (Mahdavi and Mousavi Nematieh, 1400: 2).

### **International Law System**

The international law system is a set of rules and principles that regulate relations between states and other entities of international law. This system provides a framework for cooperation, resolution of disputes, and maintenance of international peace and security, and members of the international community, including governments, international organizations, and even individuals in some cases, are required to observe and implement them. The main purpose of international law is to establish order and stability in international relations, promote cooperation and peace, and protect fundamental human rights and freedoms. Without international law, international relations would become a scene of chaos and constant wars. This system provides a framework for the peaceful resolution of disputes, cooperation in various fields, and prevention of violations of the rights of other states. Ultimately, the international law system is an essential framework for peaceful relations and cooperation between states and other entities of international law. This system, relying on its rules and principles, helps to create order and stability in the international community and supports fundamental human rights and freedoms.

### **Environment in the Iranian Legal System**

Environment in the Iranian legal system is a set of laws, regulations, and legal principles that have been formulated with the aim of protecting the environment, preventing its pollution and destruction, and ensuring sustainable development. These laws have been formed within the framework of the Constitution, ordinary laws, and international obligations of Iran. The environmental legal system in Iran is evolving, and despite the relevant laws and organizations, there are numerous challenges in this regard. However, given the importance of the environment and international obligations, there are many opportunities to improve the environmental situation in Iran. The Environmental Protection Organization and other ministries and organizations are the organizations related to the environment in Iran. In addition to the Environmental Protection Organization, which is recognized as the main authority for environmental affairs in Iran and is responsible for overseeing the implementation of environmental laws and regulations, some other ministries and organizations also have duties in the field of environmental protection, including the Ministry of Energy, the Ministry of Agricultural Jihad, and the Ministry of Industry, Mines, and Trade.

The principles and foundations of environmental law in Iran are based on the right to a healthy environment, the responsibility of the state and individuals, sustainable development, the constitution, customary laws, and international obligations. This means that enjoying a healthy environment is considered as one of the fundamental rights of individuals in the constitution. Both private individuals and government institutions are responsible for environmental protection. Environmental protection must be in a way that meets the needs of the present generation without jeopardizing the ability of future generations to meet their own needs. The Constitution of the Islamic Republic of Iran refers to environmental protection in general, and some of its principles specifically emphasize this issue. While there are numerous laws in the field of environmental protection in Iran, including the Law on the Protection and Exploitation of Natural Resources, the Clean Air Law, and the Waste Management Law, Iran, as a member state of the United Nations, is committed to implementing many international treaties in the field of environmental protection.

Habibi and Sadeghi Haghighi (1403). In the article "Analysis of the European Union's New Regional Environmental Policy on Climate Change: The European Green Deal", they first explain environmental regionalism and the advantages of regional environmental policy, and then examine the nature and essence of the Green Deal. They also explain the reason and necessity of adopting the Green Deal by examining the history of environmental policy in Europe, and finally analyze the differences of this deal and its future progress. Their research method is analytical-explanatory and, relying on primary and secondary sources, seeks to answer the questions: What is the European Green Deal and how does it differ from other environmental policies? And what is the importance of regional environmental policies and environmental regionalism? And what will the future of the European Union be like regarding climate change and regional environmental policies? They are. The difference between the article in question and the present study is that our study examines the Green Pact from the perspective of legal capacities under the international legal system, while the article in question examines the new regional environmental policymaking of the European Union regarding climate change based on the European Green Pact.

-Omidi et al. (1401). They conducted an article titled "Investigating adaptive behavior to climate change, using experiences of climate disasters, a prerequisite for understanding climate change in forest management, case: Rudbar, Gilan". The SEM results showed that drought experiences have an indirect relationship with adaptive behavior, but the two latent variables of climate change and the perception of water conservation have a direct relationship with adaptive and conservation behavior. The significance of the aforementioned relationships was also proven through a t-test with 95% confidence. The existence of a stronger relationship between the climate change variable than the water conservation perception variable indicates that people focus less on abstract concepts (high level of the CLT structure), while their focus is more on concrete concepts (low level of the CLT structure), such as daily behaviors. Therefore, considering the impact of climate change on climate disasters in the Hyrcanian forests, it is necessary to plan behavior that is compatible with climate change in order to deal with climate disasters. This study examines the relationship between people's perceptions and experiences regarding the phenomenon of drought as one of the climate disasters and their daily behavior in terms of adapting to climate change. The difference between the mentioned article and our research is that the article by Mr. Omidian et al. examines the subject in a one-dimensional manner and from the perspective of behavioral theory, and even in terms of the statistical population, it is limited and case-specific. While the present paper addresses the different dimensions of climate change based on theories of international environmental law, the only similarity of the study is the sharing of the key concept of climate change.

Derhaug (2023). *The Structure of the European Green Deal: EU Sustainability Policies*: This book critically analyzes the different dimensions of the sustainable transition outlined by the European Green Deal, focusing on domestic actions and external relations and highlighting the divergent strengths and capabilities of the EU in achieving its main objectives. Like the Green Deal itself, the chapters of the book cover different policies, including financial instruments, energy policies, climate policies and foreign policies, and apply appropriate ideal logics and their implications for the analysis of sustainable developments. The diversity of the material contributes to a broad understanding of how the different objectives of the European Green Deal are interpreted and implemented by different actors, especially those who are lagging behind and struggling with the sustainable transition for different reasons. By examining their policies, this book sheds light on the challenges and opportunities they face. Overall, the contributions address key questions about the EU's strengths and limitations in bringing about transformative change and implementing the Green Deal. This book will be of key interest to researchers, students and practitioners in EU sustainability policy, sustainability transitions and the green economy, environmental studies, energy policy, energy governance and climate change, public policy, comparative politics and international relations. Among the studies that have the most similarities to the present thesis, we can mention this book.

-Small (2023). *Sustainable and circular management of resources and waste towards a green deal*: This book *Sustainable and circular management of resources and waste towards a green deal* highlights the importance of resource recovery, phosphorus management, climate action, clean energy transition and

circular economy. The world is facing major challenges, including climate problems, environmental change, pollution and population explosion. Sustainable management of finite natural resources within the carrying capacity of the biogeohydrosphere is central to the transformation of the global economy for a sustainable future. In addition, keeping raw materials in circulation for as long as possible and minimizing the amount of waste generated has become important as part of the transition to a circular economy (CE) model.

### **The method under study:**

The present research is applied in terms of its purpose and is considered a descriptive-comparative study in terms of its method. This means that first, using comparative law methodology, we will identify the approaches adopted to solve a common problem (combating climate change) in the two regions of Iran and the European Union, and then we will redesign it by taking into account the history, geography, cultural context, and other conditions, necessities, and priorities of Iran.

## **Environmental Laws and Policies in Iran and the European Union**

### **•Environmental Protection in the Legislative Hierarchy of Iran**

The main duty of every government is to ensure public order and interests of the individuals of the society in the territory under its sovereignty; therefore, the legislator of every country, by protecting the environment, establishes a series of rules, the set of which constitutes the provisions of domestic environmental law. Environmental protection laws in every society usually manifest themselves in three forms. 1. In the constitution, which cannot be contrary to which other provisions can be established (Article 50 of the Constitution of Iran); 2. In policies and guidelines, which provide for enforcement guarantees for violators and can be reviewed in courts and competent authorities; 3. In legal documents that set long-term goals by determining environmental policies, although the implementation of these documents requires the support of public opinion in every society (Haji Amiri et al., 2013).

### **•Environmental legislation and policies in the European Union**

It is no exaggeration to say that the European Union has the most policy-making and legislation in the field of environment.

Multiannual environmental action plans set the framework for future actions at all levels and for the EU's environmental policy. These plans are incorporated into horizontal strategies and are taken into account in international environmental negotiations. Finally, the implementation of the principles and plans is crucial. According to Articles 11 and 191 to 193 of the Treaty on the Functioning of the European Union (TFEU), the European Union has the competence to act in all areas of environmental policy, such as air and water pollution, waste management and climate change. Its scope of action is limited, based on the principle of establishment and the requirement of unanimity in the Council, to the areas of finance, urban and rural planning, land use, quantitative management of water resources, choice of energy sources and structure of energy supply.

### **•Treaties and Conventions that Underpin the Green Pact**

An issue that needs to be considered in order to understand the international arrangements and mechanisms for combating climate change before the Green Pact is the international treaties in this area. Although the High Commissioner for Human Rights and the United Nations General Assembly have raised the issue of the relationship between climate change and human rights and have expressed the commitment to combat it in order to fully enjoy these rights, this section will only address treaties that specifically refer to climate change and are considered to be a precursor to the emergence of the Green Pact.

Although a Swedish scientist named Arrhenius proposed the greenhouse warming theory a century ago, the phenomenon of climate change has only been seriously placed on the global environmental agenda in the last decade. In 1979, the organizers of the first World Climate Conference failed to attract the participation of policymakers. In the late 1980s, the US Congress held several meetings on global warming,

and many national and international conferences were held in this field (United Nations Environment Programme, 1997). Also, the industrial developments of the late twentieth century led to the study of international environmental policy being seriously established as a subset of the study of international relations in the 1970s, and we can witness significant efforts to conceptualize environmental issues in the discourse of international relations. Meanwhile, the formation of the environmental movement in the United States, inspired by the anti-war student movement in 1969 and their gathering of 20 million people on April 22, 1970, entitled Earth Day, was an important turning point in raising awareness and attention of the public and international organizations to environmental issues (Network, 2020). (, 2020). The result of this process was the holding of the first Earth Summit in 1972 in Stockholm, Sweden, and other activities in the field of environment, which ultimately led to various treaties in this field. Until now, the European Union has presented a document called the European Green Deal as the most complete roadmap available.

## **The European Green Deal: The Legal and Financial Challenges of Climate Change**

### **•Policies, Instruments and Legal Frameworks of the Green Deal**

On 14 July 2021, the European Commission adopted a statement in Brussels on a package of proposed measures to transform the EU economy and society to achieve climate goals, which will transform the EU's climate, energy, land use, transport and taxation policies in an effort to deliver on the European Green Deal. According to data published by the European Statistical Office and in line with the long-term plan, the European Green Deal, the continent will be the first carbon-neutral continent by 2050; to achieve this goal, it has developed legal-economic solutions to promote the use of renewable energy. The adoption of such policies and legislation in the EU could lead to a reduction in demand for energy from fossil fuels.

### **•Legal frameworks of the Green Deal**

The Green Deal, which is a comprehensive framework for the EU's macro-policy making in the field of environment and energy transition, encompassing a set of related measures, programmes and laws, is rightly seen as an opportunity to change the horizontal regulatory framework based on effective and efficient instruments, both in the long and short term (Michinelli, 2020: 15). This opportunity is due to some legal developments and political commitments that have made climate law part of the EU legal order, as formally referred to in the Lisbon Treaty (Chalmers, 1999: 653-692; Scott, 2011), following fundamental steps in international law such as the Paris Agreement (13 December 2015: Annex 21), the UN Agenda 2030 and the Sustainable Development Goals. In January 2020, the European Green Investment Plan (EGDIP), the "investment pillar" of the Green Deal, was launched. The plan was to "mobilise at least €1 trillion in sustainable investment over the next decade" as the Commission aimed to "establish a framework to facilitate the public and private investments needed for the transition to a climate-neutral, green, competitive and inclusive economy". As rightly emphasised in the literature, the Green Deal could profoundly and successfully transform the Union's economy if it remains a real policy priority in the short and long term, in particular in relation to the climate agenda at EU and global level, and if its implementation leads to a fundamental reorientation of financial measures and budget allocations (Sidi, 2021: 4). Furthermore, the pact is to be aligned with a new industrial strategy adopted on 10 March 2020, which aims to make the Union a global leader in the circular economy and clean technologies, and to decarbonise energy-intensive industries. To better understand the role of the Green Deal, it is necessary to develop the perspective of its evaluation. Indeed, given the breadth of its objectives, it can be analysed at different levels.

### **The Green Deal as an ambitious policy and at the same time a technical measure**

The number of articles describing and analysing the European Commission's Green Deal manifesto shows the interest it has attracted in academic circles (Kramer, 2020; Desfrey, 2020; Sidi, 2021; Binet, 2022; Petit, 2020; Howden, 2020). First and foremost, the Green Deal is intended as: "a roadmap, a strategy to make the European Union's economy sustainable, to make the continent the first climate-neutral continent, by proposing some measures to reduce greenhouse gas (GHG) emissions and increase biodiversity, to turn climate and environmental challenges into opportunities across all policy areas and to make this transition



fair and inclusive for all.” Furthermore, the Commission sees the pact as “a framework of rules and regulations setting clear and general objectives” – the EU’s headline target of net-zero emissions by 2050 and a 50-55% reduction in greenhouse gas emissions by 2030 (compared to 1990 levels) – alongside incentives to encourage private sector investment, with operational plans for key sectors and targets such as halting species extinction, reducing waste and making better use of natural resources, at the core of the Union’s actions (COM(2019) 640 final). The five main priorities of the Green Deal have been identified as the most relevant priorities of the pact, including energy efficiency, decarbonisation, a just transition to a dynamic economy and actionable climate diplomacy (Il-Mazga, Matthew, 2023).

- **Environmental justice is the ultimate goal of the Green Deal**

One of the most fundamental and important rights of humans and all living beings is the right to the environment. In fact, the right to fair enjoyment of a healthy environment is a prerequisite for other human rights because it is assumed that they have the right to health and well-being. This is while the improper interaction of humans with the environment over the past centuries has caused the environmental balance to be disrupted. In such a way that in addition to its destructive effects on nature, justice in the exploitation of resources in the environment has also been lost (Mahdavi and Mousavi Nematieh, 1400: 2.)

According to the Green Deal, the European Union is committed to a fair and inclusive future for a good life within the framework of planetary boundaries and believes that in order to achieve this sustainable future, society must go through transition processes that improve the quality of life of current and future generations. Sustainable transitions should lead to well-being for both humans and other species, while respecting ecological boundaries and addressing existing injustices related to environmental degradation and climate change. At the same time, it should ensure that policies put in place to achieve sustainability do not create new inequalities or exacerbate existing ones. This section presents a conceptual framework, the EU Policy Framework to support the development of just and equitable sustainable transition policies. This framework, which sets out a clear path for achieving more sustainable, equitable and fair transitions, will affect different regions, social systems and diverse groups differently, in some cases negatively. Policies supporting a just sustainable transition should therefore take into account different dimensions of justice, including: distributive justice (the allocation of costs and benefits); procedural justice (who participates in decision-making); and cognitive justice (respecting, engaging with and treating diverse cultures and perspectives fairly). In the context of climate and environmental action, we should also consider restorative justice, a specific type of justice that focuses on past and present harms to people, species and ecosystems.

- **Involving vulnerable groups in adaptation planning and implementation Environmental justice**

Given the importance of the need to adapt to climate change, adaptation strategies and programmes are gradually being developed and implemented across the EU. Ensuring that the just transition envisaged by the Green Deal leaves “no one behind” requires a focus on justice as well as the meaningful participation of vulnerable groups in all stages of climate change adaptation planning, implementation and monitoring. Therefore, EU policies and instruments, such as the European Climate Pact and the European Adaptation Agenda, emphasize the highest level of citizen participation. In this vein, the recent EEA report, Towards Fair Resilience: Leaving No One Behind in Adapting to Climate Change, examines how climate change impacts vulnerable groups and how these impacts can be prevented or reduced through fair adaptation measures, and provides examples of how vulnerable groups are involved in the development of equity-based policies and measures in some European countries. For example, it shows that in Finland, children, young people, the elderly and indigenous Sami people are consulted on climate change planning. In Slovenia, municipalities work with people who are particularly vulnerable to the impacts of climate change, as they are required to consult and collaborate with representative organisations in a wide range of activities, from legal protection in natural disasters to care for the elderly (EEA, 2023.)

- **Defining Justice in the Transition to Sustainability**

The above definitions explain the different dimensions of justice and how an individual or group’s circumstances affect their access to justice. What does this mean for efforts to achieve justice in the context

of sustainable transitions? As explained below, there are six elements that need to be considered in this regard:

.1For whom?: Efforts to achieve justice often focus on specific social groups and ignore other social groups and indeed other natural species. For example, without adequate compensatory measures and educational support to teach new skills, members of communities that depend on coal mining for their livelihoods may not perceive efforts to transition to green energy as just. It is therefore essential to consider the needs of a wide range of social groups in achieving just sustainable transitions.

.2Location: Who we are and where we come from shapes our understanding and approaches to addressing social and environmental injustices. For example, a policymaker who has lived in a marginalized neighborhood may understand the challenges of green renewal more quickly and easily than someone who has not had this experience. This requires policymakers to be aware of their location, to accept different perspectives, and to engage with other stakeholders.

.3Multidimensionality: Justice is a complex and multidimensional concept, and therefore processes for realizing justice within sustainability transitions will inevitably face vulnerabilities and unpredictability. For example, when considering justice in our food systems at the global level, we may overlook injustices at the local level, and vice versa. We may also prioritize justice for humans at the expense of other species. Policymakers therefore face the challenge of considering multiple dimensions while acknowledging potential weaknesses.

### **Iran's Legal Capacities in Modeling the Green Pact (Requirements, Priorities, Opportunities, and Challenges)**

#### **❖ Iran's Priorities in the Green Transition**

On the path of the green transition, there are specific reasons and necessities that determine Iran's priorities. These include:

.1First, in the creation of the current conditions of the planet – namely, warming due to increased consumption and burning of fossil fuels – developing countries, including Iran, have not historically contributed to the same extent as developed countries. This is an important fact that refers to the “principle of common but differentiated responsibilities”; a principle that has also been emphasized in the written response of the Islamic Republic of Iran to the International Court of Justice (ICJ) regarding the advisory opinion on climate change. Therefore, since our country's role in creating the current situation is not as great as that of developed countries, it cannot be said that we should accept responsibility to the same extent or with the same intensity. According to the report of the Infrastructure Studies Office (Environment Group) of the Research Center of the Islamic Consultative Assembly entitled “Investigating Opportunities for Implementing the Carbon Management Program in the Country”, published on 10 January 1402, Iran ranks eighth in the ranking of greenhouse gas emissions and has surpassed industrialized countries such as Germany and South Korea in recent years and has come close to Japan. Fossil fuel extraction (26%), the electricity industry (18.1%), and transportation (15.8%) are the main sources of greenhouse gas production in the country, which indicates the continuity of emission reduction measures with energy management and optimization in the country.

#### **❖ Necessities and requirements of the green transition in Iranian policies and laws**

Environmental issues in Iran have always been a challenging issue for various reasons, and our country, located in the heart of the hot and dry region of the Middle East, faces numerous environmental problems. Climate change, successive droughts, pollution, mismanagement, and many other existing problems have sounded the alarm in this area. Therefore, considering the dire state of the country's environment, the question arises as to what factors and changes have caused Iran's environment to be in a fragile state at present? Where are the roots of these problems? We are also faced with the question of what necessities and requirements Iran is facing in the path of green transition under the current conditions, and what role

does the Green Pact play in identifying these necessities and requirements? In response to these questions, we must distinguish between necessities and requirements in a rough manner:

In response, it should be said that considering the experience of the European Union and the successful experiences of its member states in implementing the green transition, the following necessities and requirements can be briefly identified in Iranian policies and legislation.

First: The discussion is about the direct risks and damages that will befall Iran from climate change and global warming, which studies have been conducted on;

Second: The discussion is about the reduction in demand for fossil fuels in the world and its impact on the Iranian economy; and

Third: The discussion is about the energy imbalance in Iran.

### **Iran's Legal Framework for Localizing the EU Green Deal**

A review of Iran's legal system in the environmental field shows that Iran has the necessary legal and regulatory frameworks for localizing the Green Deal and modeling it in accordance with its local conditions and characteristics. Most of these considerations can be justified through three key approaches, namely the green approach and the nature-based approach, which are supported by some environmental laws, guidelines, approvals, and regulations. All three of the approaches mentioned are emphasized by the Green Deal and in Iran, they are also fully consistent with some of the basic concepts of the Green Deal.

- **Green Approach in Iranian Laws**

The green approach in laws means incorporating environmental considerations into various laws and regulations. This approach aims to protect the environment, natural resources, and promote sustainable development. In other words, laws and regulations that are equipped with this approach seek to reduce the negative effects of human activities on the environment and encourage environmentally friendly behaviors. In general, the green approach to legislation seeks to strike a balance between economic development and environmental protection, and is designed to ensure a sustainable future for current and future generations.

### **Conclusion**

The Green Deal, which plays a vital role in the path to sustainable development as a strategic tool in the EU's environmental policy and legislation, is one of the Union's recent initiatives in the field of combating climate change. Relying on its experience, strong institutional structure and high political and legal commitments, the Union has succeeded in designing a comprehensive framework for combating climate change, which includes legally binding directives, implementation tools and complementary policies. The development of the Green Deal strategic document with ambitious environmental objectives, which was introduced by the European Commission in December 2019, outlines a transformative process for the Union in order to ensure sustainability in the face of climate change and environmental degradation. By presenting this plan, the European Union aims to end greenhouse gas emissions, halt climate change and become a completely green continent by 2050. The Union is currently the third largest producer of greenhouse gases and air pollutants in the world. The first and second places in this field have long been held by China and the United States.

Since the establishment and implementation of the agreement in 2019, effective executive, legal and financial measures have been taken, and its short-term two- and five-year goals, such as tax breaks, reducing carbon production, increasing the environmental restoration coefficient, increasing the environmental performance index of members, making industries more efficient in terms of environmental degradation, etc., have either been achieved or are about to be achieved. If fully implemented, the Green Deal could be one of the greatest human actions to combat climate change. Over the past five years, significant progress has been made towards the agreement, including the adoption of new instruments, such as binding commitments for member countries and industries, governance approaches and financing

instruments. But despite the reform of existing instruments, debates and challenges around it continue, including on extending the EU's competences to new areas, such as social policy, through the Social Climate Fund, and extending these policies to areas such as forests, energy and environmental permits. Indeed, the path of implementation of the Green Deal has been hotly debated not only in the European Parliament, but also at the level of society. In addition, concerns have been raised about the polarization of the Union and misinformation, the independence of the courts in some EU Member States and, in particular, concerns about the uniform and effective implementation and application of the Treaty. This means that constitutional guarantees to ensure the quality of environmental decisions and their proper enforcement remain a very important issue to be addressed. Of course, in practice, implementing the European Green Deal is not an easy task and requires huge investments and fundamental infrastructural changes in all sectors of the economy.

The present study, focusing on the legal and legal aspects of the Green Pact and its detailed examination, evaluated the development and functioning of this pact in the legal systems of the European Union and Iran. It then examined the manner in which laws and regulations emerged based on the pact in question, the manner of environmental legislation, the effects of these laws and regulations on member states, the functioning of the Green Pact in the field of environmental law, the application of European environmental principles, environmental rules and laws, and the manner of implementing national and international laws on the environment of the European Union based on the Green Pact, with the aim of redesigning the pact in the Iranian legal system with the aim of modeling it. In this regard, four hypotheses were put forward and the following results were obtained, which indicate the confirmation of the hypotheses: 1. Building on the legal potential of the Green Deal to combat climate change, the European Union has established itself as a leader in international environmental law. With a set of systematic and integrated regulations that are longer in existence than most members of the international community, the Union has established itself as a leader in the field of renewable energy. One of the important advantages of the regulations promoting the use of renewable resources in the European Union is the presence of long-term plans and relevant targets that can ultimately help to draw a clear vision for the future. This has been made possible by the inclusion of incentives and legal-economic solutions in the European Union regulations for the promotion of renewable energy, which are fully adjusted to the diversity of renewable energy sources, including the sun, water, ocean waves, and the like. This has led to a wide variety of incentives and solutions that can attract investors with different economic interests. Finally, global statistics show that the European Union has been successful in promoting the use of renewable energy and the gross final consumption of renewable energy in the field of legislation, implementation and, ultimately, consumption. The aforementioned strategies and approaches have been re-emphasized in the Green Deal.

2. Regarding the functioning of the Green Deal and its prospects and expectations, the results indicate that the European Union has committed to achieving climate neutrality by 2050. Achieving this goal requires a transformation of European society and economy that must be cost-effective and socially balanced. This can be achieved under appropriate environmental laws and policies. In fact, without effective legal instruments in the implementation phase, the effectiveness of the Green Deal has been compromised from the very beginning. As a result, the rule of law in the field of environment seems to be the axis of sustainable development. This can integrate environmental requirements with the essential elements of the rule of law and pave the way for improving environmental governance. Environmental law can reflect global moral values and ethical norms of behavior, while highlighting climate sustainability, and provide a basis for environmental rights and obligations. Without it, environmental governance may be arbitrary, arbitrary, subjective, and unpredictable. Access to justice also appears as a key tool in the Green Deal, through which citizens can support the implementation and enforcement of environmental protection laws and policies.

3. Other findings of the research showed that the European Green Deal is based on a combination of diverse principles of international environmental law, including procedural principles, substantive principles, principles of balance, and the principle of sustainable development, and has based its operation on a wide range of these principles, such as the principle of cooperation, environmental impact assessment, non-harm, deterrence, precaution, polluter pays, fairness, participation, common but differentiated

responsibility, and so on. Some of these principles, such as the principles of cooperation, public participation, sustainable development, environmental protection, sustainable development and common but differentiated responsibility, etc., can also be seen in the Iranian legal system, and this commonality and similarity have been influential in the process of modeling the Green Pact in our country.

3. Regarding the realization of environmental justice based on the Green Pact, the results also showed that, considering the measures and provisions in the text of the Pact and its related documents, this Pact has the potential to achieve environmental justice as its ultimate goal and, in this path, it considers various dimensions of justice, including: distributive justice (allocation of costs and benefits); procedural justice (who participates in decision-making); and cognitive justice (respect for diverse cultures and perspectives, interaction with them and fair consideration of them). It also focuses on restorative justice in order to compensate for past and present damage caused to people, species and ecosystems. Under the Green Deal, the European Union is committed to a just and inclusive future for a good life within planetary boundaries and believes that to achieve this sustainable future, society must go through transition processes that improve the quality of life of current and future generations. Sustainable transitions must lead to well-being for both humans and other species, while respecting ecological boundaries and addressing existing injustices related to environmental degradation and climate change. In Iran, environmental justice can be achieved both based on a model of the Green Deal and on existing domestic laws and regulations, and this goal can be achieved both through negative regulations such as carbon taxes and legal compensation requirements, and through positive regulations such as financial and non-financial incentives and legal protections. 5. On the other hand, the treaty in question, as one of the most comprehensive environmental programs in the world, provides a valuable model for formulating environmental policies and laws outside the European Union. In the legal approach to the environment, the prerequisite for implementing the necessary measures regarding the environment is the existence of a legal environment, and among these, the most essential element is appropriate legislation to establish environmental rights at the national and international levels. Therefore, what is needed are laws that describe environmental rights and specify the conditions for the transfer of these rights. For countries like Iran that are on the path of sustainable development, benefiting from the experience of Europe and other successful countries in this regard can be very helpful. Achieving this goal requires formulating national programs, amending laws, training government institutions, and encouraging the private sector. Without a doubt, a sustainable future is not possible without intelligent management of resources and government responsibility towards the environment. The Green Pact is a bridge between development and sustainability and can be transformed from an administrative tool into an engine of transformation in the economy and society, taking into account legal and legal foundations. By using the legal capacities of this pact and adapting it to domestic conditions, Iran can also take effective steps in protecting the environment and achieving sustainable development. Since the prerequisite for implementing the necessary measures regarding the environment is the existence of a legal environment, and among these, the most essential element is appropriate legislation to establish environmental rights at the national and international levels. Therefore, what is needed are laws that describe environmental rights and specify the conditions for the assignment of these rights, and therefore appropriate legislation and policymaking in the field of climate change with high enforceability, based on an ambitious legal document such as the Green Pact, becomes doubly important. In this regard, inter-institutional cooperation, education and awareness-raising, and the creation of financial mechanisms similar to those envisaged in the Green Pact are among the most important steps that must be taken in this direction.

Careful consideration of the set of environmental laws, regulations, and guidelines of the Iranian legal system and their compliance with the legal provisions of the Green Pact also indicates that our country can have significant legal capacities in implementing and implementing a local model of the Green Pact, based on which it can achieve the goals of the Pact, namely a fair transition towards sustainable development without leaving even a single person behind. However, the existence of some major challenges and obstacles in this regard cannot be denied. However, given that the European Union has formulated the Green Pact based on its own requirements, necessities, specific conditions, priorities, and political and legal goals, it is quite natural that the objective and precise implementation and follow-up of the pact with the

same speed and requirements as the European Union requires in Iran is not necessary, and even fundamentally such a thing is not possible, because Iran's necessities and priorities in this regard must be redesigned taking into account history, geography, cultural context, and other local conditions and in accordance with the country's legal and political system. 6. Currently, there are numerous opportunities to move towards low-carbon in Iran, which will bring economic benefits in addition to environmental benefits. The country's legal system also has the necessary legal framework and tools, most of which lie in the specific approaches of Iran's environmental laws and regulations, namely green, nature-oriented approaches, and sustainable development, which, while sharing some basic concepts of the Green Pact, are also based on religious roots. However, the approach that exists in the European Union to combat climate change and is also emphasized in the Green Pact, namely a macro-policy that clarifies the approaches, requirements, and necessities of addressing an issue and sets specific goals for them, and then, under it, approves laws that may be scattered but unified and coherent to achieve a specific goal, is completely absent in Iran. Therefore, the green transition and determining Iran's place in the world's future energy supply cycle, as well as sustainable development, requires a comprehensive plan that guides all subsequent actions. Also, given the numerous challenges and gaps in this path, especially in the legal and policy-making path, in addition to setting quantitative targets, providing incentives, and a guaranteed purchase policy, a detailed pathology of what has happened so far must also be carried out. For example, in many cases, even the laws that have been approved have not been implemented properly, and Article 12 of the Law on Removing Barriers to Competitive Production and Improving the Country's Financial System, approved in 1394, was a very good example of this, which unfortunately was not implemented. This article obliged the government to facilitate investment in the field of energy efficiency, an issue that included both environmental projects and aimed at reducing energy consumption. However, this legal article failed to achieve its goals. The question still remains why investors, despite this legal support, are not willing to invest in the field of reducing consumption? The private sector has put forward various reasons that are beyond the scope of this review. But what is intended is that, in the light of a macro-policy that defines a roadmap, a specific pathology of the existing laws must be carried out. After that, targeted and timed legislation should be developed to achieve the goals of that macro-policy.

6. Finally, it should be hoped that the European Green Deal will not be limited to "going well". Rather, it will initiate a fundamentally new approach to environmental and climate considerations at the political, institutional, legal, administrative and individual levels. The pact in question will undoubtedly have an indirect or direct financial impact on all sectors of the EU economy and industry. However, the green transition and its financing can only happen if it involves both EU actors and state actors and citizens of the Union who agree to bear the costs and participate in this process, especially in the framework of the announced climate pact. Greater solidarity in the green transition towards climate neutrality should be synonymous with the European Green Deal. It is also hoped that the steps taken in Iran towards modeling the pact will continue and that the paths ahead will be strengthened and improved through the participation of legislators, policymakers, and the general public, and that our country's environmental laws and regulations, which act as a powerful tool to protect natural resources and improve the quality of life of citizens, will be able to benefit future generations from these natural resources in order to preserve the environment. However, despite all these efforts, the current lack of appropriate legal mechanisms in the field of green transition encourages mismanagement and numerous challenges in Iran, which could fundamentally disrupt the implementation of a successful model of the Green Pact in accordance with the country's legal regulations. Therefore, success in this regard requires a serious determination to implement the laws and improve and, if necessary, amend the various existing laws.

## References

1. Hayim, Suleiman (1380). Hayim's English-Persian Dictionary, Volume 1, Tehran: Contemporary Dictionary.
2. Tareehi, Fakhr al-Din (1375). Majma' al-Bahrain and Mothal al-Nayyarin, Volume 5, researched by Seyyed Ahmad Hosseini, Tehran: Mortazavi Bookstore.

3. Maloof, Lewis (1381). *Al-Mandez al-Bajidi*, Volume 2, translated by Qasim Bustani, Qom: Dhu'l-Qarbi.
4. Ibn Manzur, Muhammad ibn Makram (1414). *Lisan al-Arab*, Volume 1, Beirut: Adab al-Houza Publishing House.
5. Hosseini, Seyyed Mohammad; Mohammadi, Mehrdad "Analysis of Human Rights on the Environment", *Quarterly Journal of Islamic Human Rights Studies*, Issue 12, Spring and Summer 2017.
6. Bahrami Ahmadi, Hamid (1389). *Political-Legal Policymakers of Iran in Environmental Protection*.
7. Moeen, Mohammad (1371). *Persian Dictionary*, Volume 3, Tehran, Amir Kabir Publications, 8th edition.
8. Habibi, Mohammad Hassan (1997). "An Introduction to the Nature and Principles of International Environmental Law, No. 20, Ecology.
9. Gabor, D. (2020) The European Green Deal will bypass the poor and go straight to the rich. *The Guardian*, 19 February. <https://www.theguardian.com/commentisfree/2020/feb/19/European-green-deal-polish-miners>;
10. Szulecki, K. (2020) 'Europe's greenest Commission ever faces an unprecedented challenge as the clock ticks', *Dahrendorf Forum*, 16 January. [https:// www.dahrendorf-forum.eu/ europes-greenestcommission-ever-faces-an-unprecedentedchallenge-as-the-clock-ticks](https://www.dahrendorf-forum.eu/europes-greenestcommission-ever-faces-an-unprecedentedchallenge-as-the-clock-ticks)>
11. Varoufakis, Y. and Adler, D. (2020) The EU's green deal is a colossal exercise in greenwashing. *The Guardian*, 7 February. [https://www.theguardian.com/commentisfree/ 2020/feb/07/eu-green-deal-greenwash-ursula-von-derleyen-climate](https://www.theguardian.com/commentisfree/2020/feb/07/eu-green-deal-greenwash-ursula-von-derleyen-climate).